



Science Advisory Committee

TO: Leon County Board of County Commissioners

FROM: Leon County Science Advisory Committee

SUBJECT: Proposed Volume Control and Flood Protection Regulations

At the request of John Kraynak, the SAC has reviewed and discussed the proposed Volume Control and Flood Protection regulations. It is our conclusion that the proposed regulations will indeed offer the advantages listed on pg. 6 of the October 28, 2003 workshop packet.

Historically, growth and development in Leon County resulted in increased volumes of stormwater runoff with degraded water quality. The degradation of sediment and water quality (eutrophication) in Lake Jackson is one of the most dramatic examples of this. In response to this problem, Leon County has imposed several different sets of stormwater control requirements on new development in various areas of Leon County. In all of these cases, we recognize that it is important to minimize increases in stormwater volume due to development and to protect downstream water quality by requiring on-site stormwater treatment using retention/detention ponds and/or the use of pervious surfacing. These ponds can capture pollutants, especially nitrogen and phosphorus, that will lead to excessive algae growth in downstream lakes and ponds.

History has also shown that the increased property values resulting from development did not yield enough tax revenue to balance the future costs of water quality protection. In the case of Lake Jackson, it took an unprecedented cooperation among local, regional, and state agencies to raise additional funds to pay for the restoration project. If Lake Jackson were viewed as a "regional stormwater facility", it is clear that years of growth and development, and years of increased tax revenue from increased property values did not generate enough revenue to pay for the cost of the clean-up effort. The tremendous cost of the clean-up was borne by taxpayers throughout Leon County and the entire state of Florida.

Based on this experience, there is no reason to believe that increased property tax revenue from future development will ever be enough to pay for the establishment and maintenance of regional stormwater facilities, unless some significant impact fees are assessed on new development. Such fees would have to be collected annually since the costs for maintenance never stop. These fees would also need to be imposed on existing developed land in any given basin, since the runoff from existing development would also be funneled into regional stormwater facilities.

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The proposed new regulations would eliminate the need to impose high impact fees or to devote scarce resources to the construction of regional stormwater facilities years before they might be required. This is critically important, given that it would be extremely difficult to estimate how high the impact fees would need to be since it would be prudent to make any new regional stormwater facility large enough to accommodate all of the stormwater from a fully built out watershed. In some cases, the regional facility approach would require an enormously large and expensive facility. It would also require that the county purchase land and devote resources for the construction of regional facilities long before the watersheds are fully developed.

The SAC would like to emphasize several of the advantages inherent in the proposed regulations. By capturing the increased stormwater volume on each newly developed site, downstream properties would immediately be protected from the flooding to which such development would otherwise contribute. By requiring that the stormwater be retained on-site in ponds that allow percolation into the soil, or re-use for irrigation, most of the nitrogen and phosphorus will be prevented from running downstream into lakes and ponds where it would cause eutrophication. The proposed regulations shift the costs for the construction and maintenance of stormwater facilities away from the tax payers and directly to the developers, landowners, and real estate speculators who would immediately benefit financially from new development. The funds which would otherwise have to be devoted to water quality studies, floodplain analyses, downstream environmental impact analyses, land acquisition, and costly litigation could then be used to design and implement retrofit options to protect our water bodies from the impacts of stormwater and pollutant runoff from existing developed areas.

We therefore encourage the BOCC to embrace this new plan for controlling stormwater flooding and downstream pollution from new development. We assume that the ramifications of these proposed regulations will be carefully discussed, and that this will surely result in some improvements to the current proposal. The SAC stands ready to assist the county staff and the BOCC in preparing and/or reviewing the final proposal.

Sincerely,

SAC members.